

CERTIFICATE OF SERVICE  
[mail]

I, the undersigned, declare that I am over 18 years of age; that my business address is 303 North First Street, Woodburn, Oregon 97071 and that I am not a party to the within action. I served the foregoing pleading on the following attorney of record in this action at the address noted hereunder:

Paul Glassman, Esquire  
Greenberg, Taurig  
2450 Colorado Avenue, Suite 400E  
Santa Monica, CA 90404

by mailing a true copy thereof, contained in a sealed envelope with postage fully prepaid, to the address set forth above on the date set forth below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 10, 2008.

DATE: March 10, 2008.

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deem just and proper.

DATED this 7<sup>th</sup> day of March, 2008.

/s/ Orrin Leigh Grover  
ORRIN LEIGH GROVER  
Attorney for Defendant AMG &  
Lyustin

REQUEST FOR JURY BTRIAL

The Defendants hereby request trial by jury.

DATED this 7<sup>th</sup> day of March, 2008.

/s/ Orrin Leigh Grover  
ORRIN LEIGH GROVER  
Attorney for Defendant AMG &  
Lyustin

estoppel and waiver, because the Plaintiff has failed and refused to perform its obligations under the alleged agreement.

#### THIRD AFFIRMATIVE DEFENSE

3. The Plaintiff's complaint is barred by the doctrine of unclean hands, because of its breaches of the alleged agreement as set forth in the preceding paragraph.

#### FOURTH AFFIRMATIVE DEFENSE

4. The Defendants are entitled to a setoff under §§ 431.70 and 483.015 of the California Code of Civil Procedure, for damages caused by the Plaintiff's failure to perform their duties under of the alleged agreement according to proof.

#### FIFTH AFFIRMATIVE DEFENSE

5. The Defendants are entitled to a reformation of the alleged agreement to clarify the obligations of the Plaintiff under that alleged agreement.

The Defendants have not completed the investigation and review of this case and seeks leave to amend this list of affirmative defenses when additional defenses may become known.

WHEREFORE, the Defendants pray:

1. That the Plaintiff takes nothing by their complaint; or
2. For reformation of the alleged agreement to completely and correctly reflect the terms and conditions thereof;
3. For costs of suit and attorneys fees if allowed by contract; and
- ...
- ...
4. For such other and further relief as the Court may

ORRIN LEIGH GROVER  
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Telephone: (503) 981-5836

Attorney for Defendants AMG & Lyustin

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                            |   |                   |
|----------------------------|---|-------------------|
| CARDINAL HEALTH 110, INC., | ) | No. 3:2008cv00788 |
|                            | ) |                   |
| Plaintiff,                 | ) |                   |
|                            | ) |                   |
| vs.                        | ) | ANSWER FOR        |
|                            | ) | DEFENDANTS AMG    |
| AMG PHARMACY, INC., et al. | ) | AND LYUSTIN       |
|                            | ) | REQUEST FOR JURY  |
| Defendants.                | ) |                   |
| _____                      | ) |                   |

TO THE PLAINTIFFS:

COMES NOW THE Defendant AMG Pharmacy, Inc. and  
Lyudmila Lyustin allege as follows:

1. The Defendants deny each and every allegation of the  
Plaintiff's complaint, conjunctively and disjunctively, singularly and  
together and jointly and severally.

FURTHER, AND AS AFFIRMATIVE DEFENSES, THE  
DEFENDANT ALLEGES:

FIRST AFFIRMATIVE DEFENSE

1. The complaint fails to state an adequate claim for  
relief.

SECOND AFFIRMATIVE DEFENSE

2. The Plaintiff's complaint is barred by the doctrine of